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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
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15 **TAEK S. YOON,**

16 Plaintiff,

17 v.

18 **JOHN DOE, ET AL.,**

19 Defendants.
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Case No. 2:11-CV-06792-VAP (KK)

**EX PARTE APPLICATION FOR
AN ORDER EXTENDING THE
SUBSTANTIVE MOTION FILING
CUTOFF; DECLARATION OF
KENNETH G. LAKE IN SUPPORT
THEREOF**

Date: To Be Submitted
Time: To Be Submitted
Courtroom: To Be Submitted

Honorable Kenly Kiya Kato

24 Defendants hereby apply ex parte for an order extending the substantive
25 motion filing cutoff. Per the Court's scheduling order of November 27, 2018, the
26 current substantive motion filing deadline is July 29, 2019.

27 Good cause exists for this application. On July 3, 2019, defendants filed a
28 motion for the sanction of dismissal for plaintiff's failure to appear for deposition;

1 or in the alternative, for an order compelling plaintiff to appear for deposition and
 2 pay monetary sanctions. This motion was necessitated by plaintiff's failure to
 3 appear for his duly noticed deposition, to which he did not object, and his failure to
 4 respond to defendants' meet and confer letter before the filing of the motion. The
 5 motion will not be submitted to the court for ruling until after the current July 29
 6 cutoff. (Decl. of Lake, par. 2.)

7 Under Federal Rule of Civil Procedure 6(b)(1)(A), when an act may or must
 8 be done within a specified time, the court may, for good cause, extend the time,
 9 with or without motion or notice if the court acts, or if a request is made, before the
 10 original time expires.

11 Defendants recommend extending the motion filing cutoff to October 28,
 12 2019.

13 Dated: July 24, 2019

14 Respectfully submitted,

15 XAVIER BECERRA
 16 Attorney General of California
 17 JOEL A. DAVIS
 18 Supervising Deputy Attorney General

19 /s/
 20 KENNETH G. LAKE
 21 Deputy Attorney General
 22 *Attorneys for Defendants Saavedra*
 23 *(incorrectly sued herein as Saaveda) and Gray*

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25 **DECLARATION OF KENNETH G. LAKE IN SUPPORT OF EX PARTE**
 26 **APPLICATION FOR AN ORDER EXTENDING THE**
 27 **SUBSTANTIVE MOTION FILING CUTOFF**

28 I, Kenneth G. Lake, declare as follows:

1. I am an attorney at law duly authorized to practice law in the State of
 California and the United States District Court in the Central, Northern, and Eastern

1 Districts of California. I am the Deputy Attorney General assigned to handle this
2 matter on behalf of defendants.

3 2. Good cause exists for this application. On July 3, 2019, defendants filed a
4 motion for the sanction of dismissal for plaintiff's failure to appear for deposition;
5 or in the alternative, for an order compelling plaintiff to appear for deposition and
6 pay monetary sanctions. This motion was necessitated by plaintiff's failure to
7 appear for his duly noticed deposition. As indicated in the moving papers for this
8 motion, plaintiff did not object nor did he respond to defendants' meet and confer
9 letter before the filing of the motion. Per the Court's order regarding briefing and
10 submission of this motion, it will not be submitted to the court for ruling until after
11 the current July 29 cutoff.

12 3. I provided notice of this ex parte application by serving the application
13 including my declaration and proposed order on plaintiff on July 24, 2019.

14 I declare under penalty of perjury under the law of the United States of
15 America that the foregoing is true and correct. Executed on July 24, 2019.

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17 /S/
18 KENNETH G. LAKE
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DECLARATION OF SERVICE BY U.S. MAIL

RE: *Taek Yoon v. John Doe, et al.*
Case No. CV11-06792-VAP (KK)

I declare: I am employed in the City of Los Angeles, County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 300 S. Spring Street, Room 1700, Los Angeles, California 90013. On July 24, 2019, I served the documents named below on the parties in this action as follows:

**EX PARTE APPLICATION FOR AN ORDER EXTENDING THE SUBSTANTIVE
MOTION FILING CUTOFF; DECLARATION OF KENNETH G. LAKE IN SUPPORT
THEREOF**

Taek S. Yoon
A 042 589 267
Kunggido Goyangsi Ilsansegu
Kangsunro 70 Kangsun maelu
8 Dangi LG 811-905
Seoul, KOREA

(BY MAIL) I caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Los Angeles, California. I am readily familiar with the practice of the Office of the Attorney General for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection

☒ (BY FEDEX INTL. PRIORITY) I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, for overnight delivery with the FEDERAL EXPRESS courier service.

(BY FACSIMILE) I caused to be transmitted the documents(s) described herein via fax number.

(BY ELECTRONIC MAIL) I caused to be transmitted the documents(s) described herein via electronic mail to the email address(es) listed on the attached service list.

(STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ (FEDERAL) I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

Executed on July 24, 2019, at Los Angeles, California.

Sandra Dominguez
Declarant

/s/ Sandra Dominguez
Signature